

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GABRIEL HAMMERSTROM,

Plaintiff,

v.

SYNGENTA AG, SYNGENTA CROP PROTECTION AG, SYNGENTA CORPORATION, SYNGENTA CROP PROTECTION LLC, and SYNGENTA SEEDS LLC,

Defendants.

Case No. 16-CV-1685-JPS

ORDER

On November 17, 2016, Plaintiff filed in Wisconsin state court a putative class action under the Lanham Act against Defendants arising from Defendants' decision to commercialize corn seeds containing a certain genetically modified trait that had not been approved for import by the Chinese government. *See* (Docket #1-1 and #3-1). Defendants removed the case to this Court on December 20, 2016. (Docket #1). The Judicial Panel on Multidistrict Litigation ("JPML") has established a related multidistrict litigation ("MDL") against Defendants in the District of Kansas. (Docket #3 at 1); *In re Syngenta AG MIR 162 Corn Litig.*, MDL No. 2591 (J.P.M.L. 2015). Defendants have filed with the JPML a notice that this action is a potential tag-along to the MDL. (Docket #3 at 2). Defendants have filed in this Court, with Plaintiff's consent, a motion to stay proceedings pending a decision from the JPML whether to transfer this action into the existing MDL in the District of Kansas. *Id.* Such motions have been filed and granted in numerous similar cases brought in other districts around the country. *See id.* at 3 & n.3.

In light of the parties' consent, and because granting a stay under these circumstances will promote judicial economy and avoid inconsistent litigation results, the Court will grant the motion. *See Weinke v. Microsoft Corp.*, 84 F. Supp. 2d 989, 990 (E.D. Wis. 2000) (recognizing that stays pending MDL transfer decisions are prudent "in the interest of judicial economy and to avoid inconsistent results"); Wright, Miller & Cooper, 15 Fed. Prac. & Proc. Juris. § 3866.1 (4th ed. 2016) (stay pending JPML transfer decision is proper when it would promote "the policies of judicial economy, efficiency, and consistency that are deeply embodied in the MDL statute"); *La. Stadium & Exposition Dist. v. Finan. Guar. Ins. Co.*, Civil Action No. 09-235, 09-2738, 2009 WL 926982, at *1 (E.D. La. Apr. 2, 2009) (noting that judicial resources would be wasted if the court "spen[t] time familiarizing itself with the intricacies of a case. . .that will ultimately be heard by another judge").

Accordingly,

IT IS ORDERED that Defendants' consent motion to stay (Docket #3) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that this matter be and the same is hereby **STAYED** until **twenty-one (21) days** after the JPML determines whether to transfer this action into the MDL established in the District of Kansas and completes any transfer of the action pursuant to 28 U.S.C. § 1407.

Dated at Milwaukee, Wisconsin, this 3rd day of January, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge